



Sen. Antonio Muñoz

**Filed: 4/8/2016**

09900SB0384sam001

LRB099 03122 RJF 46082 a

1 AMENDMENT TO SENATE BILL 384

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 384 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained  
12 in subsection (c) are in derogation of the requirement that  
13 public bodies meet in the open, and therefore, the exceptions  
14 are to be strictly construed, extending only to subjects  
15 clearly within their scope. The exceptions authorize but do not  
16 require the holding of a closed meeting to discuss a subject

1 included within an enumerated exception.

2 (c) Exceptions. A public body may hold closed meetings to  
3 consider the following subjects:

4 (1) The appointment, employment, compensation,  
5 discipline, performance, or dismissal of specific  
6 employees of the public body or legal counsel for the  
7 public body, including hearing testimony on a complaint  
8 lodged against an employee of the public body or against  
9 legal counsel for the public body to determine its  
10 validity.

11 (2) Collective negotiating matters between the public  
12 body and its employees or their representatives, or  
13 deliberations concerning salary schedules for one or more  
14 classes of employees.

15 (3) The selection of a person to fill a public office,  
16 as defined in this Act, including a vacancy in a public  
17 office, when the public body is given power to appoint  
18 under law or ordinance, or the discipline, performance or  
19 removal of the occupant of a public office, when the public  
20 body is given power to remove the occupant under law or  
21 ordinance.

22 (4) Evidence or testimony presented in open hearing, or  
23 in closed hearing where specifically authorized by law, to  
24 a quasi-adjudicative body, as defined in this Act, provided  
25 that the body prepares and makes available for public  
26 inspection a written decision setting forth its

1           determinative reasoning.

2           (5) The purchase or lease of real property for the use  
3           of the public body, including meetings held for the purpose  
4           of discussing whether a particular parcel should be  
5           acquired.

6           (6) The setting of a price for sale or lease of  
7           property owned by the public body.

8           (7) The sale or purchase of securities, investments, or  
9           investment contracts. This exception shall not apply to the  
10          investment of assets or income of funds deposited into the  
11          Illinois Prepaid Tuition Trust Fund.

12          (8) Security procedures, school building safety and  
13          security, and the use of personnel and equipment to respond  
14          to an actual, a threatened, or a reasonably potential  
15          danger to the safety of employees, students, staff, the  
16          public, or public property.

17          (9) Student disciplinary cases.

18          (10) The placement of individual students in special  
19          education programs and other matters relating to  
20          individual students.

21          (11) Litigation, when an action against, affecting or  
22          on behalf of the particular public body has been filed and  
23          is pending before a court or administrative tribunal, or  
24          when the public body finds that an action is probable or  
25          imminent, in which case the basis for the finding shall be  
26          recorded and entered into the minutes of the closed

1 meeting.

2 (12) The establishment of reserves or settlement of  
3 claims as provided in the Local Governmental and  
4 Governmental Employees Tort Immunity Act, if otherwise the  
5 disposition of a claim or potential claim might be  
6 prejudiced, or the review or discussion of claims, loss or  
7 risk management information, records, data, advice or  
8 communications from or with respect to any insurer of the  
9 public body or any intergovernmental risk management  
10 association or self insurance pool of which the public body  
11 is a member.

12 (13) Conciliation of complaints of discrimination in  
13 the sale or rental of housing, when closed meetings are  
14 authorized by the law or ordinance prescribing fair housing  
15 practices and creating a commission or administrative  
16 agency for their enforcement.

17 (14) Informant sources, the hiring or assignment of  
18 undercover personnel or equipment, or ongoing, prior or  
19 future criminal investigations, when discussed by a public  
20 body with criminal investigatory responsibilities.

21 (15) Professional ethics or performance when  
22 considered by an advisory body appointed to advise a  
23 licensing or regulatory agency on matters germane to the  
24 advisory body's field of competence.

25 (16) Self evaluation, practices and procedures or  
26 professional ethics, when meeting with a representative of

1 a statewide association of which the public body is a  
2 member.

3 (17) The recruitment, credentialing, discipline or  
4 formal peer review of physicians or other health care  
5 professionals, or for the discussion of matters protected  
6 under the federal Patient Safety and Quality Improvement  
7 Act of 2005 or 42 C.F.R. Part 3, Subpart C, or matters  
8 related to information under Part 21 of Article VIII of the  
9 Code of Civil Procedure on medical studies by ~~for~~ a  
10 hospital, or other institution providing medical care,  
11 that is operated by the public body.

12 (18) Deliberations for decisions of the Prisoner  
13 Review Board.

14 (19) Review or discussion of applications received  
15 under the Experimental Organ Transplantation Procedures  
16 Act.

17 (20) The classification and discussion of matters  
18 classified as confidential or continued confidential by  
19 the State Government Suggestion Award Board.

20 (21) Discussion of minutes of meetings lawfully closed  
21 under this Act, whether for purposes of approval by the  
22 body of the minutes or semi-annual review of the minutes as  
23 mandated by Section 2.06.

24 (22) Deliberations for decisions of the State  
25 Emergency Medical Services Disciplinary Review Board.

26 (23) The operation by a municipality of a municipal

1 utility or the operation of a municipal power agency or  
2 municipal natural gas agency when the discussion involves  
3 (i) contracts relating to the purchase, sale, or delivery  
4 of electricity or natural gas or (ii) the results or  
5 conclusions of load forecast studies.

6 (24) Meetings of a residential health care facility  
7 resident sexual assault and death review team or the  
8 Executive Council under the Abuse Prevention Review Team  
9 Act.

10 (25) Meetings of an independent team of experts under  
11 Brian's Law.

12 (26) Meetings of a mortality review team appointed  
13 under the Department of Juvenile Justice Mortality Review  
14 Team Act.

15 (27) (Blank).

16 (28) Correspondence and records (i) that may not be  
17 disclosed under Section 11-9 of the Public Aid Code or (ii)  
18 that pertain to appeals under Section 11-8 of the Public  
19 Aid Code.

20 (29) Meetings between internal or external auditors  
21 and governmental audit committees, finance committees, and  
22 their equivalents, when the discussion involves internal  
23 control weaknesses, identification of potential fraud risk  
24 areas, known or suspected frauds, and fraud interviews  
25 conducted in accordance with generally accepted auditing  
26 standards of the United States of America.

1           (30) Those meetings or portions of meetings of a  
2 fatality review team or the Illinois Fatality Review Team  
3 Advisory Council during which a review of the death of an  
4 eligible adult in which abuse or neglect is suspected,  
5 alleged, or substantiated is conducted pursuant to Section  
6 15 of the Adult Protective Services Act.

7           (31) Meetings and deliberations for decisions of the  
8 Concealed Carry Licensing Review Board under the Firearm  
9 Concealed Carry Act.

10          (32) Meetings between the Regional Transportation  
11 Authority Board and its Service Boards when the discussion  
12 involves review by the Regional Transportation Authority  
13 Board of employment contracts under Section 28d of the  
14 Metropolitan Transit Authority Act and Sections 3A.18 and  
15 3B.26 of the Regional Transportation Authority Act.

16          (33) Those meetings ~~meeting~~ or portions of meetings of  
17 the advisory committee and peer review subcommittee  
18 created under Section 320 of the Illinois Controlled  
19 Substances Act during which specific controlled substance  
20 prescriber, dispenser, or patient information is  
21 discussed.

22          (d) Definitions. For purposes of this Section:

23          "Employee" means a person employed by a public body whose  
24 relationship with the public body constitutes an  
25 employer-employee relationship under the usual common law  
26 rules, and who is not an independent contractor.

1 "Public office" means a position created by or under the  
2 Constitution or laws of this State, the occupant of which is  
3 charged with the exercise of some portion of the sovereign  
4 power of this State. The term "public office" shall include  
5 members of the public body, but it shall not include  
6 organizational positions filled by members thereof, whether  
7 established by law or by a public body itself, that exist to  
8 assist the body in the conduct of its business.

9 "Quasi-adjudicative body" means an administrative body  
10 charged by law or ordinance with the responsibility to conduct  
11 hearings, receive evidence or testimony and make  
12 determinations based thereon, but does not include local  
13 electoral boards when such bodies are considering petition  
14 challenges.

15 (e) Final action. No final action may be taken at a closed  
16 meeting. Final action shall be preceded by a public recital of  
17 the nature of the matter being considered and other information  
18 that will inform the public of the business being conducted.

19 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,  
20 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;  
21 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;  
22 revised 10-14-15.)".